

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31560 of 2016

Arising Out of PS.Case No. -97 Year- 2012 Thana -NAUBATPUR District- PATNA

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Pramod Manjhi son of Ramjee Manjhi resident of village Naya Tola
Mushari Nagwan PS Naubatpur Dist. Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar

For the Opposite Party/s : Mr. Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 26.10.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 8.6.2012 in a case
registered under section 302/34 of the Indian Penal Code.

Petitioner is named in the first information report and it is
alleged that when the informant and other witnesses came on the place
of occurrence, deceased disclosed the name of his assailants including
the petitioner and according to the prosecution case itself, none of the
prosecution witness claimed to have seen the actual assault of the
deceased and the entire case hinges upon so-called dying declaration
of the deceased.

Submission on behalf of the petitioner is that the present
case was lodged after 18 hours of the alleged occurrence but before
filing of the written report, informant did not take any step to get the
statement of the deceased recorded by any competent authority. It is
further submitted that moreover, petitioner is in jail custody since long

and up till now, his trial could not be concluded.

Trial court has reported that five prosecution witnesses have already been examined and I.O and doctor have been left to be examined.

Taking note of the aforesaid facts as well as the period of detention of the petitioner in jail custody, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge III, Danapur in Sessions Trial no. 1028/2012 arising out of Naubatpur P.S. Case no. 97/2012.

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(Hemant Kumar Srivastava,J)

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